

AMENDED IN ASSEMBLY MARCH 14, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 754

Introduced by Assembly Member Muratsuchi

February 21, 2013

~~An act to amend Section 23501 of the Revenue and Taxation Code, relating to taxation. An act to add and repeal Article 5.1 (commencing with Section 18745) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 754, as amended, Muratsuchi. ~~Corporation income taxes. Income taxes: voluntary contributions: California Beach and Coastal Enhancement Account.~~

The Personal Income Tax Law authorizes individuals to contribute amounts in excess of their tax liability for the support of specified funds. Existing law creates the California Beach and Coastal Enhancement Account in the California Environmental License Plate Fund.

This bill would authorize individuals to designate on their tax returns that a specified amount in excess of their tax liability be transferred to the California Beach and Coastal Enhancement Account. This bill would require that all moneys contributed to the fund pursuant to these provisions, upon appropriation by the Legislature, be allocated to the Franchise Tax Board and the Controller for reimbursement and to the California Beach and Coastal Enhancement Account for grants and programs that preserve, protect, or enhance coastal resources and promote coastal and marine educational activities for underserved communities.

This bill would provide that these voluntary contribution provisions are inoperative and repealed on the earlier of the following: inoperative on January 1 of the 5th taxable year following the taxable year the fund first appears on the tax return and repealed on December 1 of that taxable year or inoperative for taxable years beginning on or after January 1 of the calendar year in which the Franchise Tax Board estimates by September 1 that the contributions made on returns filed in that calendar year will be less than \$250,000, or an adjusted amount for subsequent taxable years, and are repealed on December 1 of that calendar year.

~~The Corporation Tax Law imposes a tax upon every corporation at a specified rate upon its net income derived from sources within this state, except as otherwise provided.~~

~~This bill would make a technical, nonsubstantive change to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Article 5.1 (commencing with Section 18745) is*
2 *added to Chapter 3 of Part 10.2 of Division 2 of the Revenue and*
3 *Taxation Code, to read:*

4
5 *Article 5.1. California Beach and Coastal Enhancement Account*

6
7 18745. (a) *An individual may designate on the tax return that*
8 *a contribution in excess of tax liability, if any, be made to the*
9 *California Beach and Coastal Enhancement Account established*
10 *by paragraph (1) of subdivision (c) of Section 5067 of the Vehicle*
11 *Code.*

12 (b) *A contribution shall be in full dollar amounts and may be*
13 *made individually by each signatory on a joint return.*

14 (c) *A designation made under subdivision (a) shall be made for*
15 *any taxable year on the original return for that taxable year, and*
16 *once made shall be irrevocable. In the event that payments and*
17 *credits reported on the return, together with any other credits*
18 *associated with the individual's account do not exceed the*
19 *individual's tax liability, if any, the return shall be treated as*
20 *though no designation had been made. In the event that no designee*

1 *is specified, the contribution shall, after reimbursement of the*
2 *direct actual costs of the Franchise Tax Board for the collection*
3 *and administration of funds under this article, be transferred to*
4 *the General Fund.*

5 *(d) If an individual designates a contribution to more than one*
6 *account or fund listed on the tax return, and the amount available*
7 *is insufficient to satisfy the total amount designated, the*
8 *contribution shall be allocated among the designated accounts on*
9 *a pro rata basis.*

10 *(e) The Franchise Tax Board shall revise the form of the return*
11 *to include a space labeled the "California Beach and Coastal*
12 *Enhancement Account" to allow for the designation permitted*
13 *under subdivision (a). The form shall also include in the*
14 *instructions information that the contribution may be in the amount*
15 *of one dollar (\$1) or more and that the contribution shall be used*
16 *for grants and programs that preserve, protect, or enhance coastal*
17 *resources and promote coastal and marine educational activities*
18 *for underserved communities.*

19 *(f) Notwithstanding any other law, a voluntary contribution*
20 *designation for the California Beach and Coastal Enhancement*
21 *Account shall not be added on the tax return until another*
22 *voluntary contribution designation is removed or as soon as space*
23 *is available.*

24 *(g) A deduction shall be allowed under Article 6 (commencing*
25 *with Section 17201) of Chapter 3 of Part 10 for any contribution*
26 *made pursuant to subdivision (a).*

27 *18746. The Franchise Tax Board shall notify the Controller*
28 *of both the amount of money paid by individuals in excess of their*
29 *tax liability and the amount of refund money that individuals have*
30 *designated pursuant to Section 18745 to be transferred to the*
31 *California Beach and Coastal Enhancement Account. The*
32 *Controller shall transfer from the Personal Income Tax Fund to*
33 *the California Beach and Coastal Enhancement Account an amount*
34 *not in excess of the sum of the amounts designated by individuals*
35 *pursuant to Section 18745 for payment into that fund.*

36 *18747. (a) All money transferred to the California Beach and*
37 *Coastal Enhancement Account, pursuant to Section 18745, upon*
38 *appropriation by the Legislature, shall be used to support eligible*
39 *programs awarded under the selection criteria established by the*

1 *California Coastal Commission for the Whale Tail Grants*
2 *Program, and for direct program-related expenses.*

3 *(b) All money allocated pursuant to subdivision (a) may be*
4 *carried over from the year in which they were received.*

5 *18748. (a) Except as otherwise provided in subdivision (b),*
6 *this article shall remain in effect only until January 1 of the fifth*
7 *taxable year following the first appearance of the California Beach*
8 *and Coastal Enhancement Account on the personal income tax*
9 *return, and is repealed as of December 1 of that taxable year.*

10 *(b) (1) By September 1 of the second calendar year and each*
11 *subsequent calendar year that the California Beach and Coastal*
12 *Enhancement Account appears on the tax return, the Franchise*
13 *Tax Board shall do all of the following:*

14 *(A) Determine the minimum contribution amount required to*
15 *be received during the next calendar year for the fund to appear*
16 *on the tax return for the taxable year that includes that next*
17 *calendar year and provide written notification to the California*
18 *Coastal Commission of the amount determined.*

19 *(B) Determine whether the amount of contributions estimated*
20 *to be received during the calendar year will equal or exceed the*
21 *minimum contribution amount determined by the Franchise Tax*
22 *Board for the calendar year pursuant to subparagraph (A). The*
23 *Franchise Tax Board shall estimate the amount of contributions*
24 *to be received by using the actual amounts received and an*
25 *estimate of the contributions that will be received by the end of*
26 *that calendar year.*

27 *(2) If the Franchise Tax Board determines that the amount of*
28 *the contributions estimated to be received during a calendar year*
29 *will not at least equal the minimum contribution amount for the*
30 *calendar year, this article is inoperative with respect to taxable*
31 *years beginning on or after January 1 of that calendar year, and*
32 *shall be repealed on December 1 of that calendar year.*

33 *(3) For purposes of this section, the minimum contribution*
34 *amount for a calendar year means two hundred fifty thousand*
35 *dollars (\$250,000) for the second calendar year after the first*
36 *appearance of the California Beach and Coastal Enhancement*
37 *Account on the personal income tax return or the minimum*
38 *contribution amount as adjusted pursuant to subdivision (c).*

39 *(c) For each calendar year, beginning with the third calendar*
40 *year after the first appearance of the California Beach and Coastal*

1 *Enhancement Account on the personal income tax return, the*
2 *Franchise Tax Board shall adjust, on or before September 1 of*
3 *that calendar year, the minimum contribution amount specified in*
4 *subdivision (b) as follows:*

5 *(1) The minimum contribution amount for the calendar year*
6 *shall be an amount equal to the product of the minimum*
7 *contribution amount for the prior calendar year multiplied by the*
8 *inflation factor adjustment as specified in subparagraph (A) of*
9 *paragraph (2) of subdivision (h) of Section 17041, rounded off to*
10 *the nearest dollar.*

11 *(2) The inflation factor adjustment used for the calendar year*
12 *shall be based on the figures for the percentage change in the*
13 *California Consumer Price Index for all items received on or*
14 *before August 1 of the calendar year pursuant to paragraph (1)*
15 *of subdivision (h) of Section 17041.*

16 *(d) Notwithstanding the repeal of this article, any contribution*
17 *amounts designated pursuant to this article prior to its repeal shall*
18 *continue to be transferred and disbursed in accordance with this*
19 *article as in effect immediately prior to that repeal.*

20 **SECTION 1.** ~~Section 23501 of the Revenue and Taxation Code~~
21 ~~is amended to read:~~

22 ~~23501. (a) There shall be imposed upon every corporation,~~
23 ~~other than a bank, for each taxable year, a tax at the rate of 7.6~~
24 ~~percent upon its net income derived from sources within this state~~
25 ~~on or after January 1, 1937, other than income for any period for~~
26 ~~which the corporation is subject to taxation pursuant to Chapter 2~~
27 ~~(commencing with Section 23101), according to or measured by~~
28 ~~its net income.~~

29 ~~(b) For calendar or fiscal years ending after June 30, 1973, the~~
30 ~~rate of tax shall be 9 percent instead of 7.6 percent as provided by~~
31 ~~subdivision (a).~~

32 ~~(c) For calendar or fiscal years ending after December 31, 1979,~~
33 ~~the rate of tax shall be the rate specified for those years by Section~~
34 ~~23151.~~